

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

)
) MDL No. 1456
)
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) C.A. No. 01-CV-12257-PBS
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) THIS DOCUMENT RELATES TO
) 01-CV-12257-PBS AND 01-CV-339
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**ASSENTED-TO MOTION OF DEFENDANT
AMGEN INC. FOR LEAVE TO FILE REPLY BRIEF**

Pursuant to Local Rule 7.1(B)(3), Defendant Amgen Inc. (“Amgen”) hereby requests leave to file a reply to Plaintiffs’ Opposition to Amgen’s pending Motion to Dismiss Plaintiffs’ Corrected Amended Master Consolidated Complaint. In support of this motion, Amgen states as follows:

1. On July 26, 2004, Amgen filed a Motion to Dismiss Plaintiffs’ Corrected Amended Master Consolidated Complaint. Plaintiffs filed a memorandum in opposition to this motion on August 9, 2004.
2. Amgen now seeks leave to file a Reply Brief in support of its Motion to Dismiss Plaintiffs’ Corrected Amended Master Consolidated Complaint. Amgen’s reply memorandum is intended to help narrow the issues and better inform the Court of the parties’ respective positions.
3. Plaintiffs have assented to this motion.

WHEREFORE, Defendant Amgen Inc. respectfully moves that this Honorable Court grant it leave to file a reply brief to Plaintiffs' Opposition to Amgen's Motion to Dismiss Plaintiffs' Corrected Amended Master Consolidated Complaint.

Respectfully submitted,
DEFENDANT AMGEN, INC.,

By its attorneys,

/s/ Douglas S. Brooks
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August 31, 2004

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)

Pursuant to Local Rule 7.1(A)(2), I hereby certify that counsel for Amgen, Inc. has conferred with counsel for plaintiffs and that plaintiffs assent to this motion.

/s/ Douglas S. Brooks

Douglas S. Brooks

CERTIFICATE OF SERVICE

I, Douglas S. Brooks, counsel for Defendant Amgen, Inc., in the above-captioned matter, hereby certify that I have this date caused a true and accurate copy of the foregoing document to be served upon all counsel of record.

/s/ Douglas S. Brooks

Douglas S. Brooks